

LEGAL UPDATE

DOL Issues Revised Optional FMLA Forms

The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) has revised the forms employers and employees may use to meet their notification and certification obligations under the federal Family and Medical Leave Act (FMLA).

In a July 16, 2020, [statement](#) announcing the changes, the DOL said the forms were revised with substantial public input, which was solicited in August 2019. They include more questions that users can answer by checking a response box and electronic signature features to reduce contact.

The Revised Forms

The following forms were revised:

- [Eligibility and Rights and Responsibilities Notice, Form WH-381](#)
- [Designation Notice, Form WH-382](#)
- [Employee's serious health condition, Form WH-380-E](#)
- [Family member's serious health condition, Form WH-380-F](#)
- [Qualifying Exigency, Form WH-384](#)
- [Military Caregiver Leave of a Current Servicemember, Form WH-385](#)
- [Military Caregiver Leave of a Veteran, Form WH-385-V](#)

Providing Required Information

The FMLA requires that certain information be provided by employers and employees. This information may be conveyed in any format and the WHD forms are not required to be used for that purpose. WHD [FAQs](#) also clarify that the prior versions of these forms, including forms with expiration dates that have passed, may still be used. Employees who used the prior certification forms do not have to provide their employers with the same information using the revised forms.

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Highlights

Revised Forms Intended to Reduce Contact

They include questions that users can answer by checking a box and electronic signature features.

Revisions Follow Public Input

The DOL requested public feedback on proposed revisions in August 2019.

Prior Forms May Be Used

The required information may be conveyed in any form.

Employers and employees may continue to use forms with expiration dates that have passed.

